

contents. It was labeled in part: "Contents One Quart Finest Sublime Torino Brand 100% Olive Oil."

On October 13, 1943, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the marshal distribute the oil to charitable institutions after first removing the labels.

5560. Misbranding of oil. U. S. v. 5 Cases of Oil. Default decree of condemnation. Product ordered distributed to welfare organizations. (F. D. C. No. 9929. Sample No. 32074-F.)

This product consisted essentially of an oil other than olive oil, and contained little if any olive oil. The statement of ingredients listed "vegetable oil," which is not the common or usual name.

On May 12, 1943, the United States attorney for the Southern District of Ohio filed a libel against 5 cases, each containing 6 cans, of oil at Cincinnati, Ohio, which had been consigned on or about February 16, 1943, alleging that the article had been shipped by the Western Food Corporation from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Liguria Superfine Brand An Excellent Composition of 80% Vegetable oil and 20% of Pure Virgin Olive Oil," (and a design of medals).

The article was alleged to be misbranded in that the prominent word "Liguria," which is the name of an Italian province, the prominent statement "Pure Virgin Olive Oil," and the design of medals, were false and misleading since they created the impression that the article was a foreign product, whereas it was not a foreign product; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On July 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to welfare organizations.

5561. Adulteration and misbranding of salad dressing. U. S. v. 4 Quart and 12 Pint Jars, and 87 Quart and 53 Pint Jars of Salad Dressing. Default decree of condemnation and destruction. (F. D. C. No. 10175. Sample Nos. 12246-F, 12261-F.)

Samples of this product, were found to contain mineral oil in amounts ranging from a very small quantity up to 96 percent.

On or about July 2, 1943, the United States attorney for the Western District of Washington filed a libel against a total of 91 quart and 65 pint jars of salad dressing at Longview, Wash., alleging that the article had been shipped in interstate commerce from Portland, Oreg., by the Tasty Food Co. on or about January 21, April 24, and June 2, 1943; and charging that it was adulterated and misbranded. The article was labeled in part: "Over the Top Brand * * * Salad Dressing * * * New and Improved * * * The ingredients in order of their importance are: Cottonseed oil, water, corn starch, sugar," or "Over the Top Brand * * * Salad Dressing, Contains: Water, Cottonseed Oil, Rice Flour, Whole Eggs, Spice and Vinegar."

The article was alleged to be adulterated (1) in that a valuable constituent, an edible food oil, had been wholly or in part omitted therefrom; (2) in that an article containing mineral oil, a non-nutritive substance, had been substituted for a product offered for general food use and employed to replace salad dressing; and, (3) in that mineral oil, having no food value, had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

The article was alleged to be misbranded in that the statements on the jars, "Salad Dressing Cottonseed Oil," and "Salad Dressing Contains: Cotton Seed Oil," were false and misleading as applied to a product containing up to approximately 96 percent of mineral oil, a non-nutritive substance; and in that it was offered for sale under the name of another food, salad dressing, containing cottonseed oil.

On September 15, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5562. Adulteration and misbranding of salad dressing. U. S. v. 23 Cases of Salad Dressing. Default decree of condemnation and destruction. (F. D. C. No. 9958. Sample No. 5959-F.)

This product contained about 80 percent of fatty material of which about 50 percent was mineral oil, the remainder being an assimilable fat.

On May 15, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 23 cases, each containing 12 bottles, of salad dressing at St. Louis, Mo., alleging that the article had been shipped in interstate commerce

on or about April 10, 1943, by the Wheatley Mayonnaise Co. from Louisville, Ky.; and charging that it was adulterated and misbranded. The article was labeled in part: "Topmost General Grocer Co. Distributors St. Louis, Mo. Keep Slim Dressing Special Dietary Preparation for use on Salad."

The article was alleged to be adulterated in that it was a salad dressing and a valuable constituent, namely, vegetable oil, had been in part omitted therefrom, and in that mineral oil had been substituted in part for the article.

It was alleged to be misbranded in that the statement, "Keep Slim Dressing Special Dietary Preparation for use on Salad," was false and misleading since it was not a special dietary preparation and could not fulfill the implied promise in the name "Keep Slim," due to its high assimilable fat content.

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5563. Misbranding of French dressing. U. S. v. 124 Cartons of French Dressing. Default decree of condemnation. Product ordered delivered to a welfare organization after destruction of labels. (F. D. C. No. 6686. Sample No. 84723-E.)

On January 12, 1942, the United States attorney for the District of New Jersey filed a libel against 124 cartons of French dressing at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by the Agash Refining Corporation from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Main panel) "Agash * * * Enriched With Olive Oil French Dressing," (in fine print) "Made of Peanut Oil, cider vinegar, modified with water, olive oil, tomatoes, sugar, salt, spices, gum tragacanth, garlic and onion." (Neckband and bottle cap) "Enriched With Agash Olive Oil."

The article was alleged to be misbranded in that the statements, "Enriched With Olive Oil French Dressing" and "Enriched With Agash Olive Oil," were false and misleading as applied to a French dressing approximately 75 percent of the oil content of which consisted of peanut oil.

On October 11, 1943, the answer of the Agash Refining Corporation having been stricken on motion of the United States Attorney and no other claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization with the proviso that the labels be destroyed as directed by the Food and Drug Administration.

5564. Misbranding of sandwich spreads and salad dressings. U. S. v. 50 Cases of Shurfine Sandwich Spread, 10 Cases of Tastewell Nipp, and 120 Cases of Salad Treat Salad Dressing. Default decree of forfeiture. Products ordered delivered to the Salvage Committee of the War Production Board. (F. D. C. No. 10283. Sample Nos. 42709-F, 42711-F, 42712-F.)

These products were short volume.

On July 22, 1943, the United States attorney for the District of Idaho filed a libel against the above-named products at Boise, Idaho, alleging that the articles had been shipped from Seattle, Wash., on or about June 26, 1943, by the Turner & Pease Co., Inc.; and charging that they were misbranded. The articles were labeled in part: (Jars) "Shurfine Sandwich Spread [or "Tastewell * * * Nipp"] * * * Contents 1 Pt. * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill.," or "Salad Treat Treat Salad Dressing * * * Contents 1 Quart."

They were alleged to be misbranded in that the statements "contents 1 Pt." (50 cases), "Contents 1 Pint" (10 cases), and "Contents 1 Quart" (120 cases), were false and misleading as applied to articles that were short volume; and in that they were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

On September 20, 1943, no claimant having appeared, judgment of forfeiture was entered and the products were ordered delivered to the Salvage Committee of the War Production Board.

SPICES

5565. Adulteration of mustard seed. U. S. v. 162 Bags, 35 Barrels, and 31 Boxes of Mustard Seed. Decree of condemnation and destruction. (F. D. C. No. 9575. Sample No. 5664-F.)

This product was stored after shipment under extremely insanitary conditions. About half the bags were cut or torn and a large amount of the seed was spilled on the floor. Numerous rodent pellets were found on the bags, in the cut areas, and on the spilled mustard seed. The seed in the barrels and boxes had been transferred from the original bags because of rodent cutting, and these boxes